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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,032	02/19/2004	Matthew L. Severns	OM145	4277
26009	7590	06/14/2006	EXAMINER	
ROGER M. RATHBUN 13 MARGARITA COURT HILTON HEAD ISLAND, SC 29926			BOTTORFF, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/782,032	SEVERNS, MATTHEW L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher Bottorff	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Jan. 30, 2006</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The amendment filed March 27, 2006 has been entered. Claims 1-17 are pending with claims 10-17 being withdrawn from further consideration as being drawn to a nonelected invention. Claims 1-9 are under consideration.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on January 30, 2006 was considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. US 2002/0114983.

Frank et al. disclose a transport cart having a source of electrical power comprising a fuel cell 200. See paragraph 0028, lines 2-4.

The transport cart is capable of being attached to a patient care apparatus, which is capable of supporting a patient. See Figure 1. The transport cart is capable of being electrically connected to the patient care apparatus via a power cord accommodated by receptacle 110 to supply electrical power to the patient care apparatus. See Figure 1

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and paragraph 0023, lines 8-11. The receptacle 110 serves as an affixation means on the cart from which the cart may be attached to a patient care apparatus via the power cord. Also, handle 112 serves as an affixation means on the cart from which the cart may be attached to a patient care apparatus via a rope, chain or similar connecting device. See Figure 1. Also, the cart can be moved with the patient care apparatus for transporting the attached patient care apparatus. See paragraph 0026.

The patient cart apparatus to which the transport cart is capable of being attached may be any compatible power consuming device, including an infant care apparatus. See paragraph 0023, lines 8-11. The transport cart includes a fuel reservoir 300 to contain fuel for use in the fuel cell, and the fuel reservoir is readily replaceable. See paragraphs 0034 and 0043. The transport cart has wheels 132, 134 to enable it to be readily moved along with an infant care apparatus. See Figure 1. Also, the fuel cell comprises a hydrogen-oxygen fuel cell. See paragraph 12, lines 6-8.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al. US 2002/0114983 in view of Negishi US 6,165,633.

Frank et al. do not disclose that fuel cell system is a methanol system that includes a reformer or that the fuel cell utilizes zinc pellets to create electrical power. However, Negishi teaches that providing a fuel cell system as a methanol system that includes a reformer 22 is desirable. See column 12, lines 1-7. The system of Negishi includes a fuel reservoir 28 to contain methanol in liquid form and the reformer 22 converts the liquid methanol into hydrogen gas that is used in the fuel cell. See column 15, lines 46-48. Negishi further teaches the desirability of utilizing zinc pellets in a fuel cell system to create electrical power. See column 17, lines 41-43, and column 17, line 56, through column 18, line 4.

From the teachings of Negishi, providing the fuel cell system of Frank et al. as a methanol system that includes a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize the duration that hydrogen, a volatile fuel, is present in the system by storing and converting methanol rather than storing hydrogen. From the further teachings of Negishi, utilizing zinc pellets in the fuel cell system that includes methanol and a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would assist in the reforming process.

### ***Response to Arguments***

Applicant's arguments filed March 27, 2006 have been fully considered but they are not persuasive.

Applicant asserts that the apparatus of Frank et al. is not affixable to any other piece of apparatus, particularly such that the apparatus of Frank et al. and the other apparatus (i.e.: patient transport cart) may move together while affixed.

Since the apparatus of Frank et al. is a movable unit, it is a cart within the scope of the claims. Also, the cart can be affixed to another object in that an attachment is permitted between the cart and another object. For example, in Figure 1 of Frank et al., power cord 92 affixes the cart to a computer. The term "affixation" is not so limited as to exclude such an attachment. While Applicant's invention includes a detailed structure by which the cart is joined to the patient care apparatus, the details of this structure are not defined in the claims. The broad recitation of an "affixation means" is not sufficiently narrow to distinguish over the numerous components on the cart of Frank et al. that could facilitate the attachment of the cart to a patient care apparatus. Moreover, while affixed to a computer or other object, the other object and the cart could be moved together. Although Applicant's cart and patient care apparatus may be moved more efficiently, the nature of the movement is irrelevant since the claimed apparatus is not defined in such a way that would permit only a specific type of movement.

In addition, Frank et al. uses a computer as an example of a device to which the cart may be affixed, but does not limit the affixation of the cart to only a computer. Rather, the cart may be affixed to any compatible power consuming device, as discussed in paragraph 0023, lines 8-11. Also, since a computer may contain patient health information that would assist medical staff in the care of the patient, it could serve

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as a patient care apparatus. Thus, the illustration of the computer does not undermine the applicability of the cart of Frank et al. to the claimed invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

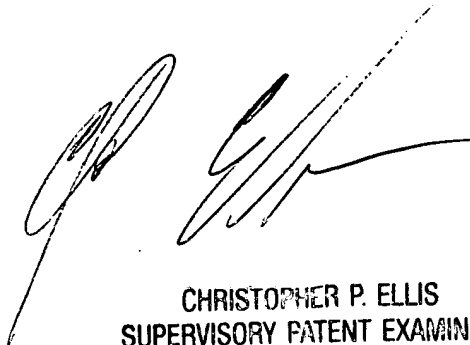
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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